



Texas Department of Insurance

Division of Workers' Compensation

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Memorandum

To: Workers' Compensation System Participants

From: Texas Department of Insurance, Division of Workers' Compensation

Date: August 26, 2013

Subject: Rulebook Supplement 2013-04 Available Online for Amended 28 TAC §130.1
Concerning Certification of Maximum Medical Improvement and Evaluation of
Permanent Impairment

The Texas Workers' Compensation Rulebook Supplement 2013-04 contains an amended rule adopted by the Commissioner of Workers' Compensation Rod Bordelon and is available online from the Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC). The supplement pages may be printed from the TDI website at <http://www.tdi.texas.gov/wc/rules/supplements.html>.

The rule supplements are provided as a courtesy by the TDI-DWC. While the TDI-DWC makes every effort to ensure the accuracy and completeness of this information, the official version of proposed and adopted rules are those filed with the Texas Secretary of State (SOS), which is the official repository of TDI-DWC rules. The rules can be accessed directly from the Texas Register, SOS website at <http://www.sos.state.tx.us/texreg/index.shtml>. With respect to the supplements, the TDI-DWC makes no warranty as to their accuracy, completeness, reliability, and/or timeliness.

Rulebook Supplement 2013-04 contains adopted amended 28 Texas Administrative Code (TAC) §130.1. Amended 28 TAC §130.1 was adopted on August 5, 2013, by the Commissioner of Workers' Compensation, and was published in the August 16, 2013 issue of the *Texas Register* (38 TexReg 5263). The amended section became effective on August 25, 2013.

The purpose of these adopted amendments is to clarify the consequence of noncompliance with 28 TAC §130.1(c)(3). The amendments clarify that an impairment rating is invalid if it is based on a date that is not the maximum medical improvement (MMI) date, which is the TDI-DWC's longstanding interpretation of the rule. These amendments further clarify that an impairment rating and its corresponding MMI date must be included in the DWC Form-069, *Report of Medical Evaluation*, to be valid.

The adopted rule became effective August 25, 2013.

If there are any questions regarding the information in this memo, contact the Office of Workers' Compensation Counsel at 512-804-4703 or rulecomments@tdi.texas.gov.